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**UNITED STATES DEPARTMENT OF AGRICULTURE**  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

**HANDBOOK**

**SPECIAL 1940 AGRICULTURAL CONSERVATION  
PROGRAM FOR DESIGNATED  
TEXAS COUNTIES**

[Applicable only in Dallam, Deaf Smith, Hansford, Hartley,  
Moore, Oldham, and Sherman Counties, Texas, for the program  
year January 1, 1940, to November 30, 1940.]



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
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## FOREWORD

The Special 1940 Agricultural Conservation Program for designated Texas counties is a continuation of the special program inaugurated on an experimental basis in Sherman County, Tex., in 1939, for the purpose of giving greater consideration to special wind-erosion problems of the area than could be given under the regular regional agricultural conservation program.

A survey of the 1939 Sherman County program indicates the following important results:

1. More effective and higher quality of soil-building practices carried out.
2. Increase in acreage on which soil-building practices were carried out.
3. Increased participation by farmers.
4. Larger acreage of border planting and strip-cropping.
5. Farmers had an increased feeling of pride in their program.
6. Simplicity of program resulted in successful educational work.

The Special 1940 Agricultural Conservation Program for designated Texas counties provides a medium through which farmers may unite in carrying out well-balanced practices applicable to their individual farms and resulting to a large measure in the successful control of common major erosion problems of the entire area.

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# **SPECIAL 1940 AGRICULTURAL CONSERVATION PROGRAM FOR DESIGNATED TEXAS COUNTIES**

[Applicable only in Dallam, Deaf Smith, Hansford, Hartley, Moore, Oldham, and Sherman Counties, Tex., for the program year January 1, 1940, to November 30, 1940]

Payments and grants of aid will be made for participation in the Special 1940 Agricultural Conservation Program (hereinafter referred to as the 1940 program), in accordance with the provisions of this handbook and such modifications thereof as may hereafter be made.

## **Section 1.—FARM ACREAGE ALLOTMENTS, RESTORATION LAND, AND GOALS**

The county committee, with the assistance of other local committees in the county, shall determine farm allotments, restoration land, and soil-building goals, in accordance with the provisions contained herein and instructions issued by the Agricultural Adjustment Administration (hereinafter referred to as the A. A. A.). The soil-depleting allotments determined for all farms in the county shall not exceed the county allotments established for the county by the A. A. A., and the sum of the allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county allotments.

### **A. SOIL-DEPLETING ALLOTMENTS**

(1) **Wheat allotment.**—Acreage allotments of wheat shall be determined for farms on which wheat has been planted for harvest in one or more of the years 1937, 1938, and 1939, on the basis of tillable acreage and crop-rotation practices, as reflected in the usual acreage of wheat on the farm, or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. Not more than 3 percent of the county wheat allotment shall be apportioned to farms in the county on which wheat was not planted for harvest in any one of the three years 1937, 1938, and 1939, but on which wheat is planted for harvest in 1940. This apportionment shall be made on the basis of the tillable acreage, crop-rotation practices, type of soil, and topography. The wheat allotment for any farm shall be comparable with the allotment determined for other farms in the same community which are similar with respect to such factors. In no event shall a wheat allotment be determined for a farm which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or wind-erosion-control purposes.

(a) **Acreage planted to wheat** means (1) any acreage seeded to wheat (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a



crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which is on the farm after May 1, 1940; and (3) any acreage seeded to a mixture containing wheat designated under item (1) above but the crops other than wheat fail to reach maturity and the wheat reaches maturity.

(2) **Total soil-depleting allotment.**—The total soil-depleting allotment for any farm shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special-crop allotments determined for the farm. The total soil-depleting allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors.

## B. RESTORATION LAND

Restoration land shall be designated by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the A. A. A., on the basis of the land in the farm which was designated as restoration land under the 1938 or 1939 program, and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored: *Provided*, That new restoration land shall be designated only on a farm which is operated by the owner or where such designation has been approved by the owner in the case of a tenant-operated farm. The county committee shall designate practices to be carried out on restoration land determined to be in need of additional practices. Land formerly designated as restoration land may, if such land was improperly designated, be restored to its former cropland status, with the approval of the State committee, when offset by an equal acreage of land in the county which is properly designated for 1940 as restoration land.

## C. SOIL-BUILDING GOAL

The soil-building goal for any farm shall be one soil-building practice unit for:

- (a) Each acre of cropland.
- (b) Each acre of restoration land.
- (c) Each 10 acres of noncrop open pasture land in the farm.

The county committee shall determine which of the approved practices listed in section 5 of this handbook, and the number of units of each such practice that shall count toward meeting the soil-building goal for the farm.

## Section 2.—MAXIMUM FARM PAYMENT

The average rate of payment for the farms (referred to herein as the county rate) within each county shall be as follows: Dallam, 68 cents; Deaf Smith, 71 cents; Hansford, 72 cents; Hartley, 68 cents; Moore, 75 cents; Oldham, 69 cents; and Sherman, 71 cents. The maximum payment that may be made with respect to any farm in the county shall be the county rate, adjusted for the productivity of the farm, multiplied by the sum of the following: (i) The acreage of cropland, (ii) the acreage of restoration land, and (iii) one-tenth of the acreage of noncrop open pasture land on the farm.

### Section 3.—PRODUCTIVITY INDEXES

A productivity index shall be established for each farm by the county committee, with the assistance of other local committees and with the approval of the State committee. Such productivity index shall be based upon the normal yield of wheat per acre for the farm as compared with the normal yield of wheat per acre in the county. Where the normal yield of wheat does not accurately reflect the productivity of a farm, the yield of grain sorghums or any other crop, or any farming practice adopted during the year, that reflects the productivity of the farm may be used, provided that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity.

The average productivity index for all farms in the county shall not exceed 100, unless it is determined that farms for which such indexes are established are not representative of all farms in the county and a variation from 100 is approved by the A. A. A.

### Section 4.—SOIL-DEPLETING ACREAGES

Soil-depleting acreage means the acreage of land devoted during the 1940 crop year to one or more of the following crops or uses (land on which a volunteer crop is harvested shall be classified as if the crop had been planted) :

- (1) Corn planted for any purpose, except roasting-ear corn or popcorn grown in a home garden for use on the farm.
- (2) Grain sorghums planted for any purpose.
- (3) Broomcorn planted for any purpose.
- (4) Wheat planted (or regarded as planted) for any purpose.
- (5) Oats, barley, rye, or mixtures of these crops, harvested for grain.
- (6) Sudan grass, sweet sorghums, or millet, harvested for grain, seed, or sirup.
- (7) Land summer-fallowed and not protected from wind and water erosion by methods approved by the State committee.
- (8) Annual truck and vegetable crops planted for any purpose, except when grown in a home garden for use on the farm.

### Section 5.—SOIL-BUILDING PRACTICES

If approved by the county committee for the farm, the soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal, when carried out in 1940 in accordance with specifications, if any, issued by the Director of the Southern Division, and when performed in a workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, and materials furnished entirely by any State or Federal agency other than the A. A. A. shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the A. A. A. and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than one-half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

Wind-erosion-control practices and restoration land measures carried out with the use of equipment furnished by the Soil Conservation Service on a farm owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or wind-erosion-control purposes, shall not (by virtue of the use of such equipment) be deemed to be paid for in whole or in part by a State or Federal agency.

### SCHEDULE OF SOIL-BUILDING PRACTICES

The soil-building practices in the following schedule will count toward the achievement of the soil-building goal, if carried out in a workmanlike manner in accordance with good farming practice for the locality and in accordance with the specifications shown in connection with each practice. Credit shall not be given for carrying out more than one of such practices on the same acreage.

#### A. Each acre of the following shall be counted as 1 unit:

(1) Leaving on the land as a protection against wind erosion the stalks (at least 8 inches in height) of sorghums or Sudan grass listed in rows not over 44 inches wide or drilled, or a good turf of Sudan grass, sorghums or millet drilled with spacing not over 14 inches, approved by the county committee, if the operator's farming plan provides that such cover will be left on the land until the spring of 1941.

(2) Contour listing or pit cultivation, or contour cultivation with a furrowing or shovel-type implement approved by the county committee: (i) On summer-fallow land provided that such practice is carried out in an approved manner before June 15, 1940, or (ii) on small-grain stubble or for the protection of cropland from wind erosion following crop failure.

(a) Contour listing the furrows shall be made with a regular double mold-board lister or with a chisel of approved design, or other implements accomplishing the same results according to specifications given herein:

The furrows shall not be more than 4 feet nor less than 8 inches wide and 4 inches deep, or if with a chisel, furrows not less than 4 inches wide and 8 inches deep.

The furrowing shall be done with the contour of the land, following guide lines established at not to exceed twice the terrace interval specified in practice 8, or following terraces.

(b) Pit cultivation must be done with an approved basin lister which will dam the lister furrows at regular intervals or with another implement accomplishing similar results. The furrows are not to be more than 4 feet nor less than 20 inches apart and not less than 4 inches deep and the pits or basins must occupy at least 25 percent of the land.

(c) Contour cultivation must follow guide lines established with a standard farm level or surveyor's instrument at not to exceed twice the terrace interval specified in practice 8 or must follow established terraces or rows established on the contour.

(3) Contour farming of intertilled crops. This practice consists of the planting and cultivation of row crops following the contour as determined by a farm level or surveyor's instrument, or following established terraces.

(4) Natural vegetative cover (of native grasses and weeds of proper growth to prevent erosion) or small grain stubble of crops harvested in 1940 and left on cropland, where it is determined by the county committee that such cover will be left on the land until the spring of 1941.

(5) Contour seeding of small grains if sufficient growth is obtained to control wind erosion.

#### B. Each acre of the following shall be counted as 2 units:

(6) Border planting of Sudan grass, sorghums, or millet, the stalks (at least 8 inches in height) to be left on the land until the spring of 1941; the border to



be not less than 100 feet wide on four sides of the field unless a fewer number of sides of the field is approved by the county committee and

(7) Stripcropping, consisting of alternating strips of sorghums, Sudan grass, small grains, or fallow, such strips to be not less than 2 rods wide. Credit will be given for strips of crops if protecting fallow, and only for the sorghum or Sudan grass strips, if for protection of wheat.

**(C. Each of the following shall count as 1 unit:**

(8) Terracing 2 chains (132 ft.). Terraces to be approved for payment:

(a) Must not exceed a fall of 4 inches per 100 feet along the terrace line (level terraces preferred where adaptable, particularly on land having very little slope in low rainfall areas).

(b) Must have fills in terrace line across gullies built up to normal level for the terrace ridge.

(c) Must equal or exceed the height and width specifications and must not be spaced further apart than the maximum widths indicated in the following table.

(d) The outlet ends of all terrace channels shall be protected by means of sodded channels, rock rip-rap, or other mechanical devices to prevent erosion of the terrace channel. Any terraces which are not properly protected will not be accepted under this practice.

Slope of land in feet per 100 feet <sup>1</sup>	Minimum height, top of terrace above upper channel		Minimum width from low point in terrace to center top of terrace <sup>2</sup>		Recommended average distance between terraces <sup>3</sup>
	New terrace before ledges are plowed in	Plowed-in settled terrace	New terrace before ledges are plowed in	Plowed-in settled terrace	
	<i>Inches</i>	<i>Inches</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>
½ or less -----	15	10	11	9	210
1 -----	16	11	11	9	150
2 -----	18	12	10	8	100
3 -----	18	12	10	8	83
4 -----	19	12½	10	8	75
5 -----	19	12½	9	7	70
6 -----	20	13	9	7	67
7 -----	20	13	9	7	64
8 or more -----	21	14	8	6	62

<sup>1</sup> Over ½ foot in vertical fall will be considered as 1 foot. Maximum slope on which terraces will be approved will be determined by the State committee.

<sup>2</sup> On slopes in excess of 3 percent, the minimum width specification may be disregarded, provided the area of the cross section of the terrace equals or exceeds that of a terrace constructed in accordance with minimum width specifications. The width of the lower side of terrace shall, in all cases, be at least two-thirds the width of the upper side of terrace, as indicated.

<sup>3</sup> This recommended average distance, which is the horizontal spacing between terraces, must not be exceeded by more than 30 percent.

**D. Each of the following shall be counted as 1 unit, provided credit for such practices shall not exceed the amount of the soil-building goal computed for the noncrop open pasture land for the farm:**

(9) Deferred grazing of 7 acres pasture land. The period for deferred grazing shall be considered to be 5 months (150 days) beginning on June 1.

The area deferred from grazing must be kept free of livestock during the deferred grazing period. The range land not in the deferred grazing area must not be pastured to such an extent as will decrease the stand of grass.

(10) Contour listing, chiseling, or furrowing 1 acre of pasture land.

The furrow channels must be not less than 8 inches wide and 4 inches deep and not less than 3 feet apart, or if subsoiled (chiseled) not less than 3 inches wide and 6 inches deep. If the furrows are 8¼ feet (½ rod) or less apart the actual acreage of land furrowed will count under this practice. If furrows are over 8¼ feet apart, the acreage of the practice will be computed on the basis of the acreage occupied by the furrows, each furrow being con-

sidered to occupy a strip  $8\frac{1}{4}$  feet wide. Guide lines for lister furrows must be set up at one-half the terrace interval specified in practice 8.

- (11) Seven cubic yards of earth moved in the construction of reservoirs and dams.

Before a reservoir or dam is constructed under this practice, it must be determined by the county committee that such reservoir or dam will be an efficient means of preventing erosion.

The site for the reservoir or dam shall be inspected and if the dam to be constructed will be 8 feet or more in height or will consist of approximately 300 cubic yards or more of earth, or in all cases where the surface of the ground on which the dam is to be built is extremely irregular, a preliminary survey shall be made before construction is started. At least one bench mark shall be established far enough from the dam so that it will not be disturbed during construction. All measurements and elevation readings shall be made from this reference point. Along the lengthwise contour line of the dam a minimum of three stakes shall be set, one at either end of the proposed dam and one at the lowest point of the stream bed. Additional stakes shall be set at all points where there is a break in the slope of the land. The location and elevation of each stake with reference to the established bench mark shall be properly measured and recorded. If the surface of the ground on which the dam is to be built is irregular, additional stakes should be set along the outline of the base at right angles to the lengthwise center line and spaced so that they will be in line with the main center-line stakes. The location and elevation of these stakes must likewise be recorded.

To reduce seepage, a trench at least 4 feet wide shall be dug along the center line of the dam deep enough to reach a reasonably impervious subsoil. This trench should be filled with the most impervious soil readily available at or near the dam site and should form the base of a core of this same material which should be carried to a height equal to the normal water level in the completed dam. Where it is thought desirable, the entire base of the dam should be scarified to insure better bonding of the fill with the base of the dam. Where dams are built across gullies with steep banks, these banks should be sloped to form a trench for better bonding with the fill.

To be eligible for approval, dams, and spillways shall be adequate. No dam shall be approved unless the top is at least 3 feet wide and is at least 3 feet higher than the floor of the spillway. The downstream slope of the dam should not be less than 1:1 but need not be greater than 2:1 regardless of the size and height of the dam. Upstream slopes on small dams (7 feet high or less) may be  $1\frac{1}{2}$ :1 but should be at least 5:1 on large dams or where there will be considerable wave action. The top width of the dam will be increased in accordance with the height of the dam, the size of the drainage area, the capacity of the spillway, and other local conditions. For dams 10 feet in height, the top must have a minimum width of 5 feet.

The cross-sectional area of the spillway shall be at least twice the cross-sectional area of the stream at its highest flood stage in the past. The top of the dam shall be not less than 3 feet above the floor of the spillway and this distance shall be increased sufficiently to insure water not running over the dam during floods. Unless the spillway is naturally protected from damaging erosion such protection must be provided. The end of the dam shall be ripped if it forms a part of the spillway.

Earth used in the construction of the dam or excavated in the spillway (unless such excavated earth is used in the dam) shall be measured and its volume computed. The completed dam shall not be approved unless it is considered adequate and has adequate spillway facilities. The gross volume of earth used in the construction of the dam shall be reduced by 10 percent to compensate for shrinkage and settling before being certified for payment.

Further helpful information regarding the construction of reservoirs and dams may be found in Texas Extension Circular No. MS-355.

- (12) Eradication of 1 acre prickly pear of heavy infestation above 12 percent. Payment will be based on the percentage of ground infested where infestation is less than 12 percent.

- (13) Mowing of 4 acres of undesirable weeds and shrubs: *Provided*, That payment will not be made if plants mowed are used for hay or sold for any purpose. Payment will not be made for mowing a greater number of times than the county committee with the approval of the State committee finds is necessary for destruction of the noxious plants.

## Section 6.—NET FARM PAYMENT OR DEDUCTION

The net payment or net deduction computed for any farm in the county shall be the maximum farm payment less the sum of the following:

### A. DEDUCTIONS FOR EXCESS ACREAGE OF SOIL-DEPLETING CROPS

(1) **Wheat.**—50 cents per bushel of the normal yield for the farm for each acre planted to wheat in excess of the wheat acreage allotment.

(2) **Total soil-depleting acreage.**—\$4, adjusted for the productivity of the farm, for each acre of soil-depleting crops in excess of the total soil-depleting acreage allotment, less the acreage for which deduction is made for exceeding the wheat acreage allotment.

### B. FAILURE TO CARRY OUT SOIL-BUILDING PRACTICES

The county rate, adjusted for the productivity of the farm, for each unit by which the soil-building goal is not reached.

### C. CROPPING RESTORATION LAND

Three dollars for each acre of restoration land which is plowed or tilled in 1940 for any purpose other than tillage practices to protect the land from wind erosion or tillage operations in connection with the seeding of an approved nondepleting cover crop or permanent grass mixture, unless the breaking of such land is approved by the county committee as a good farming practice and is matched acre for acre by new restoration land elsewhere in the county. With the approval of the State committee, land improperly designated as restoration land under the 1938 or 1939 program may be restored to its former cropland status when offset by an equal acreage of land in the county which is properly designated in 1940 as restoration land.

### D. BREAKING OUT NATIVE SOD

Three dollars for each acre of native sod or any other land on which a permanent vegetative cover has been established, broken out during the period November 1, 1939, to October 31, 1940, inclusive, less the acreage of such land broken out with the approval of the county committee as a good farming practice, for which an equal acreage of cropland is restored to permanent vegetative cover on any farm in the county.

## Section 7.—DIVISION OF PAYMENTS AND DEDUCTIONS

The net payment or net deduction computed with respect to any farm shall be divided between the landlord and tenant in proportion to the extent to which such landlord and tenant contributed to the carrying out of soil-building practices on the farm. The tenant shall be deemed to have contributed 80 percent and the landlord 20 percent to the carrying out of soil-building practices on the farm, unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were different from such respective percentages, in which event such payment or deduction shall be divided in the proportion in which the county committee determines that each



such person contributed to the carrying out of soil-building practices on the farm. On any farm where there is more than one landlord the contribution of each landlord to the carrying out of the soil-building practices shall be deemed to be in proportion to the contribution made by each such landlord to the total soil-depleting acreage allotment determined for the farm, unless such landlord establishes to the satisfaction of the county committee that his respective contribution to carrying out the practices was different from such respective percentage, in which event such payment or deduction shall be divided in the proportion in which the county committee determines that such landlord contributed to the carrying out of soil-building practices on the farm.

## Section 8.—GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

### A. INCREASES IN SMALL PAYMENTS

The total payment computed for any person with respect to any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(1)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(2)

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

## B. PAYMENTS LIMITED TO \$10,000

The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and ranching units located in Texas shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico), shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned, if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

## C. DEDUCTIONS INCURRED ON OTHER FARMS

(1) If the deductions computed for any farm in the county exceed the payment computed for such farm, the net deduction computed for any landlord or tenant on such farm shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) If the deductions computed for a landlord or tenant for one or more farms in the county exceed the payments computed for such landlord or tenant on other farms in the county, the amount of such excess deductions shall be deducted from the payments computed for the landlord or tenant for performance on any other farms in Texas, if the State committee finds that the crops grown and practices adopted on the farm for which such deductions are computed substantially offset the contribution to the program made on such other farms.

## D. DEDUCTIONS FOR ASSOCIATION EXPENSES

There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

## E. PAYMENT RESTRICTED TO EFFECTUATION OF PURPOSE OF THE PROGRAM

(1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned (i) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs, or (ii) if, by means



of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized.

(2) No payment will be made to any person with respect to any farm which such person owns or operates in the county, if the county committee finds that such person has been negligent and careless in his farming operations by failing to carry out approved wind-erosion-control measures on land under his control, to the extent that any part of such land has become a wind-erosion hazard in 1940 to the community in which such farm is located.

#### **F. EXCESS COTTON ACREAGE**

Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted, during 1940, on land in any farm in which he has an interest, in excess of the cotton allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton, or causes cotton to be planted on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment whatsoever on that farm or any other farm under the provisions of the 1940 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on an acreage in excess of the cotton allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

#### **G. PAYMENTS COMPUTED AND MADE WITHOUT REGARD TO CLAIMS**

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection I of this section 8 and indebtedness to the United States subject to set-off orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

#### **H. CHANGES IN LEASING AND CROPPING AGREEMENTS, REDUCTION IN NUMBER OF TENANTS, AND OTHER DEVICES**

If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord and the tenants that would cause a greater proportion of the payments to

be made to the landlord under the 1940 program than would have been made to him under the 1939 program, payments to the landlord under the 1940 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made, if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1940 program.

## I. ASSIGNMENTS

Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the A. A. A., and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the A. A. A.

Nothing contained in this subsection I shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled. As provided by statute, neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

## Section 9.—APPLICATION FOR PAYMENT

### A. PERSONS ELIGIBLE TO FILE APPLICATIONS

An application for payment for a farm may be made by any person who, under the provisions of section 7, shares in the payment which may be computed for any farm and (i) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (ii) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices or in carrying out conservation measures designed to promote restoration of a permanent vegetative cover on restoration land.

## B. TIME AND MANNER OF FILING APPLICATION AND INFORMATION REQUIRED

Payment will be made only upon application submitted through the county office by March 31, 1941. The Secretary reserves the right (i) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (ii) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of the county committee and making copies of the same available to the press.

## C. APPLICATION FOR OTHER FARMS

If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must make application for payment on all such farms which he operates or rents to other persons. Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

## Section 10.—APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters respecting any farm in the operation of which he has an interest as landlord or tenant: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm.

The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may appeal in writing to the State committee within 15 days after such decision is forwarded to or made available to him. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord or tenant, having an interest in the operation of the farm, may be adversely affected by such decision. Only a

person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord or tenant, having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

### Section 11.—DEFINITIONS

For the purposes of the 1940 program—

**Secretary** means the Secretary of Agriculture of the United States.

**Director of the Southern Division** means the Director of the Southern Division of the Agricultural Adjustment Administration in charge of the 1940 Agricultural Conservation Program in the Southern Region.

**Southern Region** means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

**State committee** means the group of persons designated to assist in the administration of the 1940 Agricultural Conservation Program in Texas.

**County committee** means the group of persons elected within the county to assist in the administration of the 1940 program.

**Person** means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

**Landlord** means a person who owns land and rents such land to another person or operates such land.

**Tenant** means a person who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the A. A. A., determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**Cropland** means farm land which in 1939 was tilled or was in regular rotation, excluding restoration land and any land which constitutes, or will constitute if such tillage is continued, a wind-erosion hazard to the community.

**Restoration land** means farm land which is subject to serious wind erosion and is unsuited to continued production of cultivated crops, which are cropped at least once since January 1, 1930, and which is



designated by the county committee as land on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

**Noncrop open pasture** means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

**General soil-depleting crops** means all soil-depleting crops grown in the county other than wheat planted.

## Section 12.—AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

(1) Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of section 7 (a) of said Act in 1940, payments and grants of aid will be made for participation in the Special 1940 Agricultural Conservation Program (herein referred to as the 1940 program) in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

(2) The provisions of the 1940 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amount of such payments will necessarily be within the limits finally determined by such appropriation, the final estimate of payments which would be made under the Special 1940 Agricultural Conservation Program, and the extent of participation therein. **As an adjustment for participation, the rates of payment and deduction specified herein may be increased or decreased by as much as 10 percent.**

(3) The provisions of the Special 1940 Agricultural Conservation Program (except sec. 8 (b)) are not applicable to (1) counties other than Dallas, Deaf Smith, Hansford, Hartley, Moore, Oldham, and Sherman, and (2) land in which the beneficial ownership is in the United States.

Issued February 28, 1940, with the approval of the Administrator.

I. W. DUGGAN,  
*Director, Southern Division.*